

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 19-CR-1991 KWR

ANTONIO CARRILLO,

Defendant.

**ORDER DENYING RECONSIDERATION OF DETENTION ORDER
AND GRANTING FURLOUGH**

THIS MATTER comes before the Court on Defendant's Opposed Emergency Motion for Magistrate Judge's Reconsideration of Order of Detention Due to Change in Circumstances, or In the Alternative, Request of a Furlough for a Specified Time-Period (Doc. 138) ("Motion") filed on December 7, 2020. The Court held a hearing on the Motion on December 8, 2020. The Court and the parties are familiar with the facts resulting in the revocation of Defendant's conditions of release, and the Court will not recite them in this Order. Defendant has not presented circumstances that warrant reconsideration of the Court's detention order (Doc. 133). The Court therefore **DENIES** Defendant's Motion insofar as it seeks reconsideration of that order. However, after considering the parties' arguments and hearing from Defendant's adult daughter, who has agreed to ensure that Defendant abides by the Court's conditions and self-surrenders as directed, the Court finds that temporary conditions of release may be fashioned to allow a short furlough from custody so that Defendant may attend services related to his father's unexpected death. The Court thus **GRANTS** Defendant's alternative request for a furlough. Specifically, the Court **ORDERS** as follows:

1. Defendant will be released from the custody of the United States Marshals Service on December 9, 2020 so that he may attend both the funeral services for his father in Rio Rancho, New Mexico on December 10, 2020 and his father's burial at the National Cemetery in Santa Fe, New Mexico on December 14, 2020.
2. Defendant must submit to supervision by, and report for supervision to, the United States Probation and Pretrial Services. Upon his release on December 9, 2020, Defendant is to telephonically report to his Supervising United States Probation Officer Jeffrey Martinez-Spelich. While on supervision, Defendant must refrain from transmitting abusive e-mail communications to United States Probation and Pretrial Services staff.
3. Apart from attending the two events listed above, Defendant will be on home incarceration during the pendency of his furlough and may not travel outside of his home unless he obtains permission to do so from his supervising United States Probation Officer.
4. Defendant is required to self-surrender to the custody of the United States Marshals Service at the Pete V. Domenici United States Courthouse no later than 12:00 p.m. on December 15, 2020 so that he may be re-booked into the detention facility on the Court's Order of Detention previously imposed.
5. Defendant must return the SCRAM unit to the United States Probation and Pretrial Services on December 15, 2020 at the time of his self-surrender.
6. While furloughed from custody, Defendant must abide by the following conditions.
7. Defendant must not violate federal, state, or local law.

8. Defendant may not possess a firearm, destructive device, or other weapon.
9. Defendant may not use alcohol at all.
10. Defendant may not use or unlawfully possess a narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
11. Defendant may not access any social media accounts.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Kirtan Khalsa", written in black ink. The signature is positioned above a horizontal line.

KIRTAN KHALSA
United States Magistrate Judge